



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

PUBLIC NOTICE OF APPLICATION for
STATE OF WASHINGTON WATER QUALITY CERTIFICATION
And COASTAL ZONE MANAGEMENT ACT CONSISTENCY

September 18, 2006

Interested parties are hereby notified that Ecology has received an application from the Washington State Department of Transportation (WSDOT) for a water quality certification for review in accordance with Section 401 of the Clean Water Act of 1977 (PL 95-217), pursuant to the requirements of WAC 173-225. For projects in the 15 coastal counties, these applications will also be reviewed for coastal zone consistency in accordance with Section 306 of the Coastal Zone Management Act. This request is for WSDOT's State Route (SR) 9, Schloman road to 256th Street NE vicinity and 268th NE Street intersection project. Ecology issued a Public Notice on this same project in December, 2005 and denied without prejudice the request for a water quality certification in accordance with Section 401 of the Clean Water Act of 1977 (PL 95-217) based on a lack of information. In response, WSDOT has re-applied for a water quality certification and Ecology is therefore re-issuing a Public Notice.

This public notice does not indicate that Ecology or other State agencies have agreed with the proposed project. This notice is only intended to inform the public of the proposed project and ask for comments by local, state, and federal agencies, and the public.

EVALUATION: The decision to issue, deny or condition the water quality certification (WQC) or concur with the applicant's Coastal Zone Management Act (CZMA) consistency statement, will be based on the following: for WQC, the proposed project must comply with the applicable provisions of the Clean Water Act and applicable State aquatic protection requirements. For a project to be declared consistent with Washington's CZMA program, it must comply with State Clean Water and Air Acts, the Shoreline Management Act, the State Environmental Policy Act, and applicable state regulations.

The following application has been received for 401 Certification and CZMA consistency determination:

REQUESTOR: Washington State Department of Transportation – Northwest Region



APPLICANT: Liz Kriewald
Washington State Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710
(206) 440-4536

TYPE OF NATIONWIDE PERMIT: Nationwide Permit (NWP) 23, Approved Categorical Exclusions, issued by the U.S. Army Corps of Engineers on September 28, 2005.

CORPS AUTHORIZATION NUMBER: 200500952

PROJECT NAME: SR 9, Schloman Road to 256th Street NE vicinity and 268th Street NE intersection.

LOCATION: SR 9 north of the City of Arlington, in unincorporated Snohomish County, Washington from Schloman road vicinity (milepost [MP] 30.08) to the 256th Street NE vicinity (MP 32.00); in the Stillaguamish Watershed Water Resource Inventory Area (WRIA) 5. See attached Project Vicinity Map for project location.

RECEIVING WATERS: The Stillaguamish River and wetlands associated with the Stillaguamish River System. There are 17 wetlands, the 100-year floodplain, and the following five creeks within the proposed roadway project area: Harvey Armstrong Creek, Kackman Creek, tributary to Kackman Creek, the Lake Bryant inlet tributary, and the unnamed Type 3 ditched stream that divides the mitigation site into two sections. For projects covered under NWP 23 that are impacting 1 acre or more of waters of the State, including wetlands, an Individual 401 Water Quality Certification is required from Ecology.

PROPOSED ACTIVITIES: WSDOT proposes to modify SR 9 in two locations: (1) from Schloman Road to 256th Street NE – realign and straighten a portion of SR 9 from just north of the City of Arlington at Schloman Road to just south of Kackman Road, widen the roadway, replace a culvert at the tributary of Kackman Creek, construct a bridge over Harvey Creek, build a turn-around at the Stillaguamish Tribal Fish Hatchery, and construct a left turn lane at Kackman Road; and (2) from just north of Bryant Lake to 268th Street NE – construct northbound and southbound left turn lanes, improve sight distance by clearing vegetation and flattening roadway and curves, realign the intersection at 268th Street NE, and add lighting. Proposed activities also include providing stormwater quality treatment, detention ponds, and constructing a mitigation site. The proposed mitigation site is located off of Harvey Creek Road, west of the existing SR 9.

ENVIRONMENTAL IMPACTS: There are five streams, an oxbow, the 100-year floodplain, and 17 wetlands within the project area. The proposed work will have both direct and indirect environmental impacts. The proposed project is expected to impact seven wetlands and eight wetland buffers, for a total of 1.47 acres of direct wetland impact and 2.50 acres of wetland buffer impact. The largest wetland impact occurs within a forested wetland alongside the existing SR 9 to the north of Harvey Creek Road. Additionally, the proposed work will impact the stream and buffers of Kackman Creek, Harvey Armstrong Creek, the Kackman Creek tributary, and the unnamed Type 3 ditched stream that divides the mitigation site into two sections. These impacts include shading and direct fill.

Compensatory mitigation is proposed in order to replace the environmental functions lost due to the impacts to wetlands and streams. The proposed mitigation is 3.12 acres of primarily forested wetland creation, 3.84 acres of wetland buffer enhancement, and 4,619 square feet of juvenile fish habitat enhancement.

COMMENT AND REVIEW PERIOD: The application and related documents are available for inspections and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays at the Northwest Regional Office of Ecology, located at 3190 160th Avenue SE, Bellevue, WA. Any person desiring to present views on the project pertaining to compliance with water pollution control laws may do so by providing written comments within 21 days of the above publication date to:

Rebecca Ponzio
Department of Ecology
MAP Team
3190 160th Avenue SE
Bellevue, WA 98008-5452
Email: ipon461@ecy.wa.gov

The comment period will last 21 days from September 18, 2006 to October 9, 2006.

Ecology is an Equal Opportunity and Affirmative Action employer and shall not discriminate on the basis of race, creed, color, national origin, sex, marital status, sexual orientation, age, religion or disability as defined by applicable state and/or federal regulations or statutes. If you have any special accommodation needs, please contact Ecology's TDD Headquarters at (360) 407-6006.

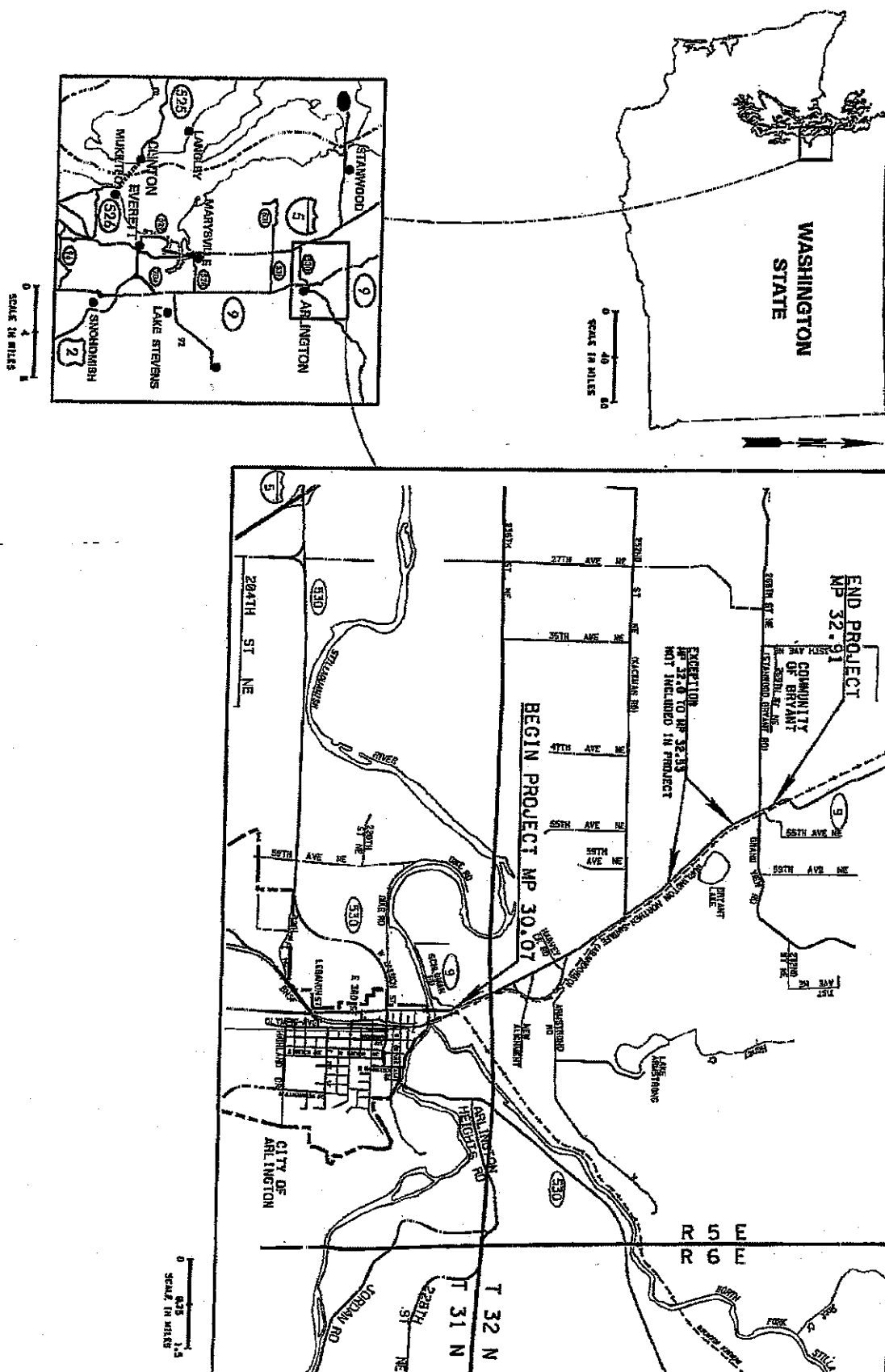


Figure 1. Vicinity Map.

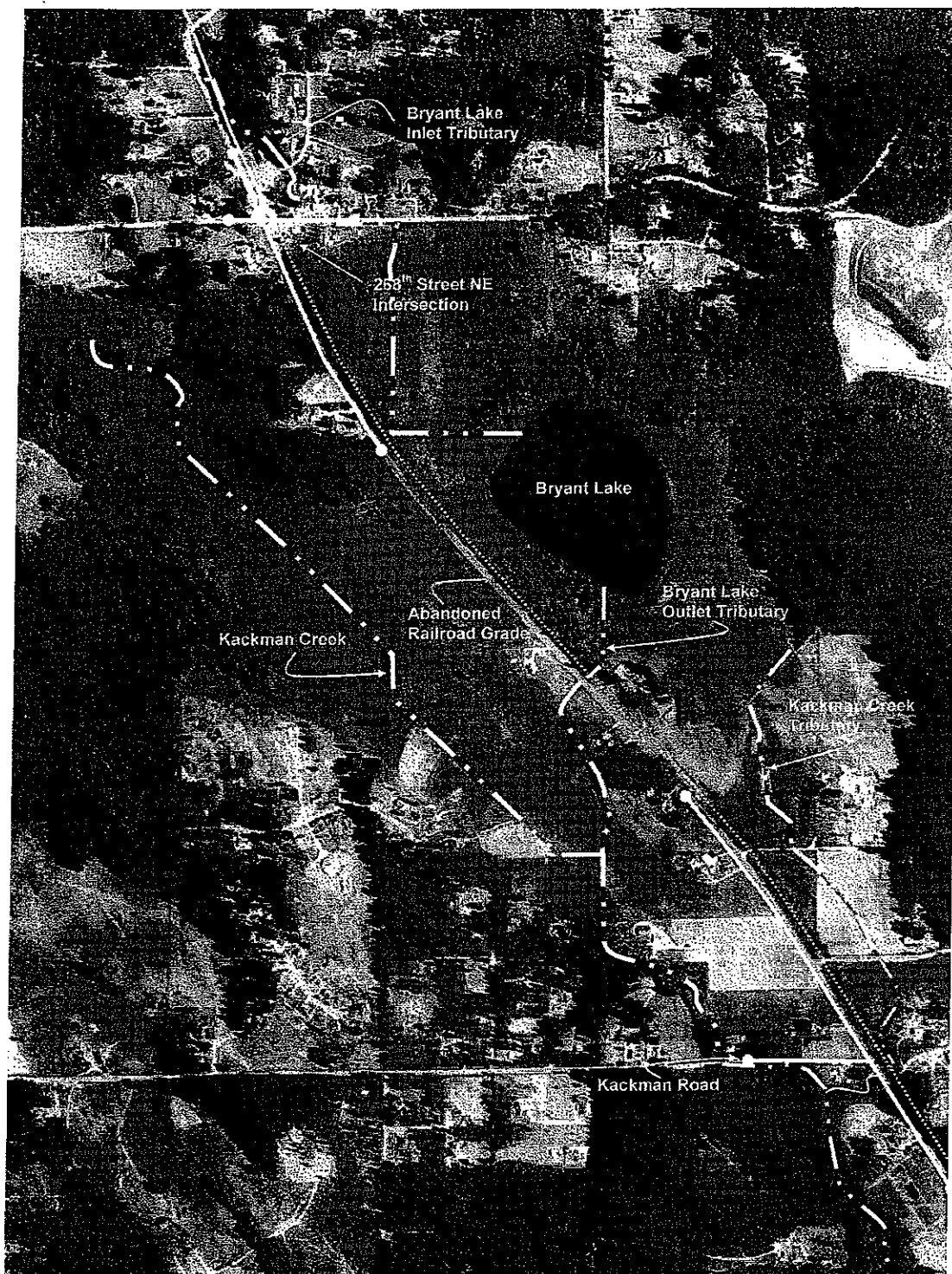


Figure 2 Prominent features in the project corridor.

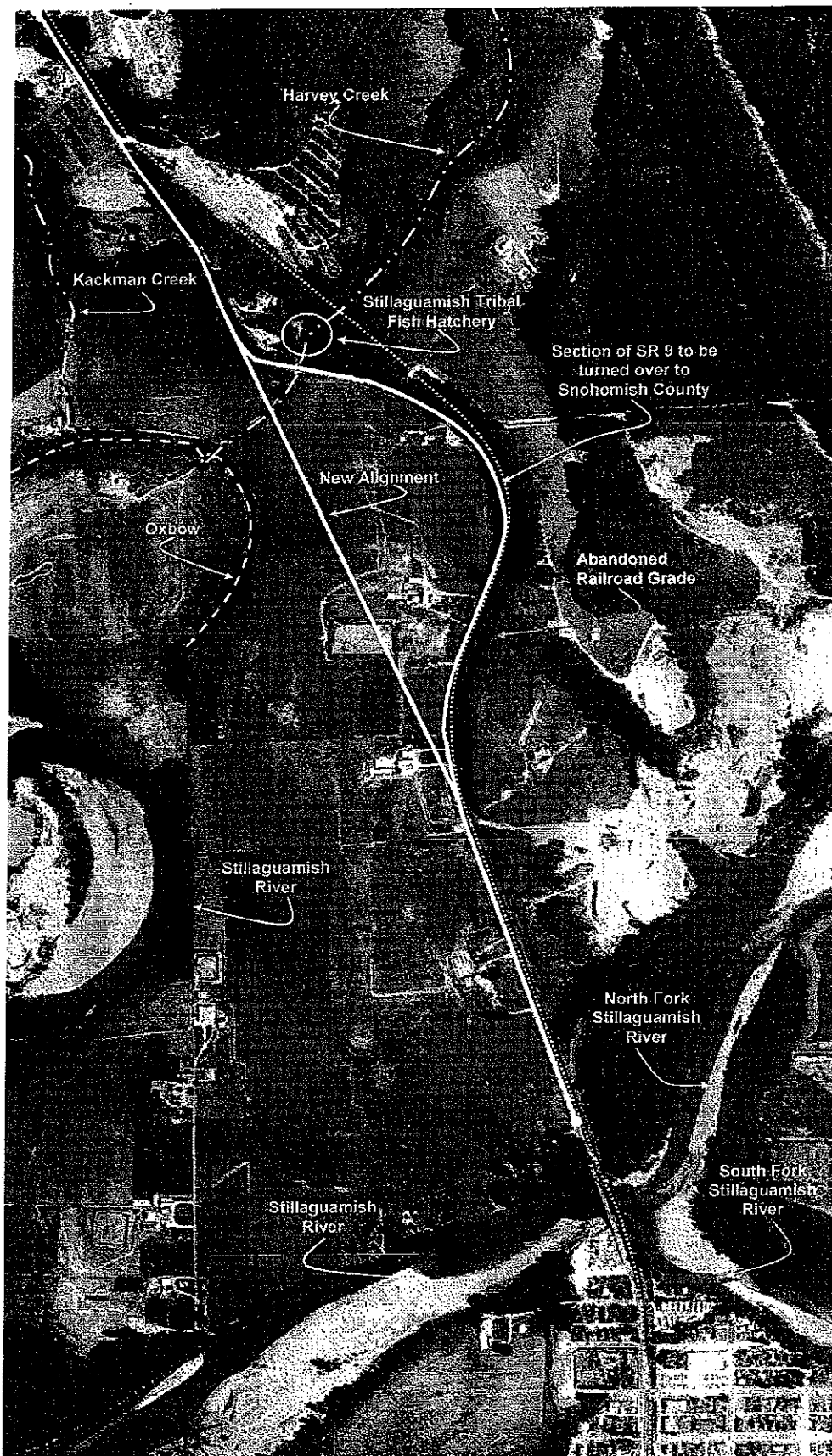


Figure 3 (continued). Prominent features in the project corridor.